



Order Filed on May 31, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004

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In re:

RAPHAEL S. GARDEE,

Debtor.

Case No. 20-13167(KCF)

Chapter 7

Honorable Kathryn C. Ferguson, U.S.B.J.

**ORDER AUTHORIZING THE SALE OF THE ESTATE'S INTEREST IN THE REAL
PROPERTY LOCATED AT 36 WILFRED AVE., TITUSVILLE, NJ, FREE AND CLEAR
OF CERTAIN LIENS**

Revised as of 5/31/22

The relief set forth on the following pages numbered two (2) through three (3) is hereby

ORDERED.

DATED: May 31, 2022



Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Page 2 of 3

Debtor: Raphael S. Gardee

Case No. 20-13167(KCF)

Caption of Order: Order Authorizing the Sale of the Estate's Interest in Real Property Located at 36 Wilfred Ave., Titusville, NJ free and clear of certain liens

THIS MATTER, having been presented to the Court by Thomas J. Orr, the Chapter 7 Trustee (the “**Trustee**”) for Raphael S. Gardee, Chapter 7 debtor (“**Debtor**”), by and through his counsel, McManimon, Scotland & Baumann, LLC, upon the filing of a Motion for an Order Authorizing Sale and Granting Related Relief (the “**Motion**”) relating to the Trustee’s proposed sale of the Estate’s interest in the real property located 36 Wilfred Ave., Titusville, NJ (the “**Property**”); due and proper notice of the Motion and related matters before the Court in this case having been given; and the Court having considered the moving papers and opposition thereto (if any) and having heard and considered oral argument (if any); and finding that good and sufficient cause exist for the granting of the relief as set forth herein,

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- A. Full and adequate notice of the Motion has been afforded to all interested parties.
- B. The Trustee received an offer from Genya Daukshta (the “**Buyer**”) in the amount of Fifteen Thousand Dollars (\$15,000) which offer is the highest and best offer received for the Property, and the sale price for the Property constitutes full and adequate consideration and reasonably equivalent value for the Property.
- C. The transaction being proposed by the Trustee was negotiated at arm’s length and in good faith.
- D. The Buyer is a good faith purchaser for value pursuant to Section 363(m) of the Bankruptcy Code and, as such, the sale of the Property is entitled to all of the protections afforded thereby. The Buyer is acting and will act in good faith within the meaning of Section 363(m) of the Bankruptcy Code.

Page 3 of 3

Debtor: Raphael S. Gardee
Case No. 20-13167(KCF)
Caption of Order: Order Authorizing the Sale of the Estate's Interest in Real Property Located at 36 Wilfred Ave., Titusville, NJ free and clear of certain liens

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is **GRANTED**.
2. The sale of the Trustee's right, title, and interest in the Property to Buyer is hereby approved. The Property is being sold free and clear of the following judgment liens (the "**Judgment Liens**"):

Creditor Name	Judgment Number	Judgment Date
United Natural Foods, Inc.	J 165051-18	9/26/2018
JR Construction, II, Inc.	J 111283-19	8/1/2019
Rainforest Distribution Inc.	J 011316-20	1/27/2020
Abdurrahm Gardee	J 192939-19	12/20/2019
Kehe Distributors, LLC	J 103555-19	7/25/2019
Eastern Funding, LLC	J 138886-19	9/23/2020

3. Valid liens, claims and encumbrances attached to the proceeds of sale in the hands of the Trustee.
4. The sale of the Estate's Interest in the Property is specifically being made *subject to* the liens, claims and interests of the mortgage company, the tenant and the municipality.
5. The record and transcript of the hearing(s), if any, and all findings and determinations of this Court are hereby incorporated herein.
6. The Trustee is hereby authorized to execute such necessary and appropriate documents in order to effectuate the aforesaid sale.
7. The automatic stay of Fed.R.Bankr.P. 6004(h) is waived.
8. The Court retains jurisdiction over the parties and this matter for, *inter alia*, purposes of enforcing this order and otherwise implementing the sale.

In re:
Raphael S Gardee
Debtor

Case No. 20-13167-KCF
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: May 31, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 02, 2022:

Recip ID	Recipient Name and Address
db	+ Raphael S Gardee, 161 Pleasant Valley Rd, Titusville, NJ 08560-2104

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BY PASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 02, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 31, 2022 at the address(es) listed below:

Name	Email Address
Amar Anand Agrawal	on behalf of Creditor Fulton Bank NA aagrwal@egalawfirm.com, alapinski@egalawfirm.com, jwingfield@egalawfirm.com
Andrea Dobin	on behalf of Trustee Thomas Orr adobin@msbnj.com cgallo@msbnj.com
Andrew Sklar	on behalf of Creditor Rainforest Distribution andy@sklarlaw.com kathleen@sklarlaw.com
Christian Del Toro	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION cdeltoro@martonelaw.com, bky@martonelaw.com
Denise E. Carlon	on behalf of Creditor PNC Mortgage a Division of PNC Bank, National Association dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Frank J Martone	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bky@martonelaw.com

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Page 2 of 2

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Margaret Mcgee

on behalf of Plaintiff Andrew R. Vara maggie.mcgee@usdoj.gov

Margaret Mcgee

on behalf of U.S. Trustee U.S. Trustee maggie.mcgee@usdoj.gov

Rebecca K. McDowell

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Thomas Orr

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U.S. Trustee

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William B. Sanderson, Jr.

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kbrand@spearwildermander.com;r59081@notify.bestcase.com;b.wr78636@notify.bestcase.com

TOTAL: 14